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SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION (S) NO. 530 OF ~~2006~~ 2007

P.R. No. 2682/06
Presented by Shri O.P. Chandra
dated 21/12/06

BETWEEN

1. Minketan Rana S/o. Shri Purnachandra Rana, aged about 42 years, Occupation – Service, Posted as Assistant teacher posted at Primary School Puchhiyapali, Vikash Khand, Kharsiya, Distt.- Raigarh (C.G.)

2. Sukhram Rathiya S/o. Mangalu Ram Rathiya, aged about 44 years, Occupation – Service, Posted as Assistant teacher Govt. High School Khamhar, Vikash Khand, Kharsiya, Distt.- Raigarh (C.G.)

3. Dileshwar Prasad Rathiya S/O. Shri Jogiram Rathiya, aged about 42 Years, Occupation- Service posted as Assistant Teacher, Pre Metrics School Tandapara, Vikash Khand, Kharsiya, Distt.- Raigarh (C.G.)

4. Mukund Ram jaiswal S/o. Shri Deviprasad Jaiswal, aged about 44 years, occupation – Service posted as Assistant Teacher, Primary School Choda, Vikash Khand, Kharsiya, Distt.- Raigarh (C.G.)

5. Nand Kumar Dansena S/o. Shri Janak Ram Dansena, aged about 46 years, occupation – Service posted as Assistant Teacher, High School Telikoat, Vikash Khand, Kharsiya, Distt.- Raigarh (C.G.)

6. Sushil Chandra Patel S/o. Shri Ganesh Ram Patel, aged about 43 years, occupation – Service posted as Assistant Teacher, High School Telikoat, Vikash Khand, Kharsiya, Distt.- Raigarh (C.G.)

7. Shivshanker Patel S/o. Shri Ganesh Ram patel, aged about 41 years, occupation – Service posted as Assistant Teacher, High School Telikoat, Vikash Khand, Kharsiya, Distt.- Raigarh (C.G.)

8. Karam Singh Rathiya S/o. Shri Kalyan Singh Rathiya, aged about 41 years, occupation – Service posted as Assistant Teacher, Primary School Karkanara, Vikash Khand, Kharsiya, Distt.- Raigarh (C.G.)

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OATH COMMISSIONER S.R. Kaushik DIST. & TAHSIL AREA

PETITIONERS

AND

1. The State of Chhattisgarh, Through the Secretary Department of School Education, D.K.S. Building, Raipur (C.G.)

2. The Commissioner Department of Tribal Welfare Development Raipur, Distt.- Raipur (C.G.)

(2) (7)

3- The Director, public Instruction pension Bada Raipur, Distt.- Raipur (C.G.)

4- District Education officer, Raigarh, Distt.- Raigarh (C.G.)

5- Block Education officer Kharsiya, Vikas Khand Kharsiya, Distt.- Raigarh (C.G.)

RESPONDENTS

WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA

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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE JUSTICE SHRI SATISH K. AGNIHOTRI

WRIT PETITION (S) No. 530 of 2007

PETITIONER : 1. Minketan Rana S/o Shri Purnachandra Rana, aged about 42 years, Occupation – Service, Posted as Assistant teacher posted at Primary School Puchhiyapali, Vikash Khand, Kharsiya, Distt.-Raigarh (C.G.)

2. Sukhram Rathiya S/o Mangalu Ram Rathiya, aged about 44 years, Occupation-Service, Posted as Assistant teacher, Govt. High School Khamhar, Vikash Khand, Kharsiya, Distt. –Raigarh (C.G.)

3. Dileshwar Prasad Rathiya S/O Shri Jogiram Rathiya, aged about 42 years, Occupation-Service posted as Assistant Teacher, Pre Metrics School Tandapara, Vikash Khand, Kharsiya, Distt. – Raigarh (C.G.)

4. Mukund Ram Jaiswal S/o. Shri Deviprasad Jaiswal, aged about 44 years, occupation-Service posted as Assistant Teacher, Primary School Choda, Vikas Khand, Kharsiya, Distt. – Raigarh (C.G.)

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6. Sushil Chandra Patel S/o. Shri Ganesh Ram Patel, aged about 43 years, occupation-Service posted as Assistant Teacher, High School Telikoat, Vikash Khand, Kharsiya, Distt. – Raigarh (C.G.)

7. Shivshanker Patel S/o. Shri Ganesh Ram Patel, aged about 41 years, occupation-Service posted as Assistant Teacher, High School Telikoat, Vikash Khand, Kharsiya, Distt.- Raigarh (C.G.)

8. Karam Singh Rathiya S/o. Shri Kalyan Singh Rathiya, aged about 41 years,

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Occupation-Service posted as Assistant Teacher, Primary School Karkanara, Vikash Khand, Kharsiya, Distt. – Raigarh (C.G.)

VERSUS

RESPONDENTS : 1. The State of Chhattisgarh, Through the Secretary Department of School Education, D.K.S. Building, Raipur (C.G.)

2. The Commissioner Department of Tribal Welfare Department Raipur, Distt. – Raipur (C.G.)

3. The Director, public Instruction pension Bada Raipur, Distt. – Raipur (C.G.)

4. Block Education officer Kharsiya, Vikas Khand Kharsiya, Distt. – Raigarh (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Present: Mr. Sunil Sahu, Advocate for the petitioner.
Miss Deepali Pandey, Panel Lawyer for the State / respondents.

ORDER

(Passed on 20th day of April, 2007)

1. The question of law involved herein is asto whether the petitioners are entitled to regular pay scale w.e.f the date of initial appointment or from the date of completion of probation period.

2. Learned counsel appearing for the petitioners as well as for the State/respondents jointly submit that the facts and question of law involved in the present writ petition are the same as to that of in W.P.(S) No. 5976/2006 **(Sushil Tiwari and others Vs. State**

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Government of Chhattisgarh & Others), which was allowed vide order dated 7.11.2006.

3. In view of the above-stated submissions made by learned counsel for the parties, the writ petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit